

Message Text

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ACTION SCS-05

INFO OCT-01 EUR-12 ISO-00 SCA-01 L-03 /022 W
-----124787 200718Z /16

R 200526Z JUL 77
FM AMEMBASSY ANKARA
TO SECSTATE WASHDC 8204

UNCLAS SECTION 1 OF 2 ANKARA 5412

E.O. 11652: NA
TAGS: CPRS, TU
SUBJECT: PROPERTY CLAIMS, GENERAL INFORMATION QUESTIONNAIRE

REF: A-2000

FOLLOWING IS EMBASSY'S RESPONSE TO REFAIRGRAM:

I. A SEARCH OF AVAILABLE SOURCES HAS REVEALED NO TREATY BETWEEN
THE US AND TURKEY THAT DEALS WITH PROPERTY MATTERS.

II. NOT APPLICABLE.

III. FOREIGN EXCHANGE LAW OF TURKEY

A. METHOD OF TRANSFERRING FUNDS TO US.

1. WHO SHOULD THE INQUIRER CONTACT:

A. IN THE CASE INTERCHANGEABLE FOREIGN EXCHANGE ACCOUNTS,
I.E. ACCOUNTS IN FOREIGN CURRENCY AND NOT BLOCKED, THE BANK
WHERE THE ACCOUNT IS HELD SHOULD BE CONTACTED DIRECTLY.

B. ACCOUNTS IN TURKISH CURRENCY AND BLOCKED ACCOUNTS MAY NOT
BE TRANSFERRED.

C. THE OFFICIAL AUTHORITY IN EXCHANGE MATTERS AND THE AGENCY
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THAT CONTROLS BLOCKED ACCOUNTS IS: TURKIYE CUMHURIYET MERKEZ
BANKASI, KAMBIYO GENEL MUDURLUGU, ULUS, ANKARA, TURKEY.
(CENTRAL BANK OF TURKEY, GENERAL DIRECTORATE OF FOREIGN
EXCHANGE)

2. IN THE CASE OF INTERCHANGEABLE FOREIGN EXCHANGE ACCOUNTS,
APPLICATION FOR TRANSFER CAN BE MADE BY LETTER, OR IN PERSON

WITH THE ACCOUNT BOOK, DIRECTLY TO THE BANK WHERE THE ACCOUNT IS HELD.

3. DISTINCTIONS BETWEEN SOURCES OF FUNDS:

A. IF THE ACCOUNT IS IN TURKISH CURRENCY, IT MAY NOT BE TRANSFERRED. INTERCHANGEABLE FOREIGN EXCHANGE ACCOUNTS MAY BE TRANSFERRED.

B. INHERITED ACCOUNTS MAY NOT BE TRANSFERRED.

C. ACCOUNTS ESTABLISHED AS A RESULT OF THE SALE OF PROPERTY MAY NOT BE TRANSFERRED.

B. BANK ACCOUNT INFORMATION

1. ACCOUNTS THAT HAVE BEEN INACTIVE SINCE 1945 ARE NO LONGER OPEN. WHEN AN ACCOUNT HAS REMAINED INACTIVE FOR TEN YEARS, LESS ONE MONTH, THE ACCOUNT HOLDER IS NOTIFIED THAT THE ACCOUNT MAY BE CLOSED; IF A RESPONSE IS NOT RECEIVED WITHIN ONE MONTH, THE ACCOUNT IS TURNED OVER TO THE CENTRAL BANK (MERKEZ BANKASI) AS INCOME FOR THE TREASURY.

2. IN TURKEY DEVALUATION HAS BEEN THE ONLY FORM OF CURRENCY RESTRUCTURING. ACCOUNTS HELD IN FOREIGN CURRENCIES ARE UNAFFECTED BY DEVALUATIONS.

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3. BLOCKED ACCOUNTS

A. 9000 TURKISH LIRA PER MONTH MAY BE WITHDRAWN FROM BLOCKED ACCOUNTS BY FOREIGN ACCOUNT HOLDERS PRESENT IN TURKEY.

B. RELATIVES OF ACCOUNT HOLDERS TO THE FOURTH DEGREE BY BLOOD OR THE SECOND DEGREE BY LAW MAY WITHDRAW UP TO 5000 TL PER MONTH IF THEY ARE IN TURKEY TEMPORARILY, OR UP TO 6000 TL PER MONTH IF THEY RESIDE IN TURKEY.

C. WHEN THE HOLDER OF A BLOCK ACCOUNT DIES, THE ACCOUNT MAY BE TRANSFERRED TO A NEW ACCOUNT OPENED IN THE NAME OF HIS HEIRS.

D. THE REPRESENTATIVE OF THE ACCOUNT HOLDER MAY WITHDRAW UP TO 9000 TL PER MONTH FROM A BLOCKED ACCOUNT. THE EXPENSES OF INSURANCE, PERPETUATION AND REPAIR OF PROPERTY (MOVABLE AND IMMOVABLE), AND ATTORNEY FEES IN TURKEY MAY BE PAID FROM A BLOCKED ACCOUNT. SPECIAL PROVISIONS PERMIT THE USE OF FUNDS IN BLOCKED ACCOUNTS FOR PROMOTION OF THE TOURIST INDUSTRY IN TURKEY. USES MAY INCLUDE PRODUCING TRAVEL FILMS, ORGANIZING TOURS AND INVESTMENT IN HOTELS, ETC. IN ORDER FOR SUCH USE

TO BE PERMITTED, AN AMOUNT OF FOREIGN CAPITAL, IN CASH OR GOODS, EQUAL TO AT LEAST HALF THE AMOUNT TO BE USED FROM THE BLOCKED ACCOUNT MUST BE INVESTED IN THE SAME PROJECT. FOREIGN CAPITAL USED IN THIS WAY MAY NOT BE EXPORTED UNTIL FIVE YEARS AFTER THE INITIAL INVESTMENT.

IV. PROPERTY STILL OWNED BY US CITIZEN

A. PROCEDURES FOR SALE OF PROPERTY BY US CITIZENS

1. APPLICATION SHOULD BE MADE TO THE TAPU SICIL MUHAFLZLIGI (LAND REGISTRY OFFICE) IN THE APPROPRIATE VILAYET (PROVINCE) FOR SALE PERMISSION.

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2. THE LAND REGISTRY OFFICE WILL NOTIFY THE LOCAL LAND REGISTRY COMMITTEE, WHICH WILL DETERMINE THE VALUE OF THE PROPERTY, AND THE NEAREST CENTRAL BANK BRANCH OFFICE.

3. PROPERTY OF THIS NATURE MAY NOT BE SOLD AT MORE THAN 10 PCT BELOW OR 25PCT ABOVE THE VALUE SET BY THE LOCAL LAND REGISTRY COMMITTEE.

4. THE TOTAL AMOUNT MUST BE DEPOSITED IN A TEMPORARY BLOCKED ACCOUNT AT THE CENTRAL BANK BEFORE THE SALE, AND IN A PERMANENT BLOCKED ACCOUNT AFTER THE SALE.

B. ONLY UNCOMPENSATED TRANSFERS IN THE NATURE OF DONATIONS ARE PERMITTED. TRANSFERS OF PROPERTY TO TURKISH NATIONALS ARE CONTROLLED BY THE MINISTRY OF FINANCE. INQUIRIES IN THIS MATTER SHOULD BE ADDRESSED TO T.C. MALIYE BAKANLIGI, ANKARA. WHEN PROCESSING REQUESTS FOR SUCH TRANSFERS, THE MINISTRY TAKES INTO CONSIDERATION THE FOLLOWING RESERVATIONS SET OUT IN ARTICLE 58 OF THE PROTECTION OF THE VALUE OF TURKISH CURRENCY LAW:

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC 8205

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1. THE PERSON TO WHOM THE PROPERTY WILL BE TRANSFERRED MUST RESIDE IN TURKEY.

2. A RELATIONSHIP BETWEEN THE DONOR AND RECIPIENT TO THE FOURTH DEGREE BY BLOOD OR THE SECOND DEGREE BY LAW IS REQUIRED.

3. THE VALUE OF THE PROPERTY IN QUESTION MUST BE DETERMINED AS DESCRIBED ABOVE (IV A).

4. THE DONOR MUST BE FINANCIALLY ABLE TO MAKE THE TRANSFER. DOCUMENTS TO THIS EFFECT ARE TO BE CERTIFIED BY TURKISH CONSULATES. IF THE VALUE OF THE PROPERTY IS UNDER TL 10,000, THIS REQUIREMENT IS WAIVED.

5. IF THE TRANSFER IS CONDITIONAL, THE SUBJECTS MUST PRESENT DOCUMENTS OBTAINED FROM THE MINISTRY OF FINANCE STATING THAT THE CONDITIONS SET DO NOT VIOLATE THE LAW FOR PROTECTION OF THE VALUE OF TURKISH CURRENCY.

C. AS DESCRIBED IN IV A.

D. FUNDS REALIZED AS A RESULT OF THE SALE OF REAL ESTATE MAY NOT BE TRANSFERRED. SEE III A 3 C.

V. TOURIST COMPLAINTS

A. DUTY AND CURRENCY RESTRICTIONS

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TURKEY HAS VERY STRICT IMPORT AND CURRENCY REGULATIONS. THE HIGH RATE OF INFLATION THAT TURKEY HAS SUFFERED DURING THE LAST FEW YEARS HAS CREATED A GREAT SENSITIVITY TO VIOLATIONS AMONG OFFICIALS. COMPLAINTS MOST COMMONLY HEARD FROM TOURISTS ARE THOSE CONCERNING VEHICLES. SINCE IMPORTED VEHICLES ARE VERY EXPENSIVE (150PCT DUTY), TOURISTS WITH VEHICLES ARE SUBJECTED TO VERY STRICT SCRUTINY WHEN ENTERING AND LEAVING THE COUNTRY. THERE HAVE BEEN A FEW COMPLAINTS IN THE PAST, INVOLVING MINOR MISTAKES, FOR EXAMPLE IN THE REGISTRATION NUMBER OF A VEHICLE, WHICH CAUSED GREAT INCONVENIENCE TO THE TRAVELLERS INVOLVED. DURING THE TURKISH RELIGIOUS HOLIDAYS (TWICE A YEAR; AT DATES WHICH VARY ACCORDING TO THE LUNAR CALENDAR) AND AT THE NEW

YEAR, THERE IS AN EXEMPTION OF DUTY FOR THE ITEMS WORTH UNDER \$22.00 MAILED AS GIFTS PARCELS A MONTH BEFORE AND 15 DAYS AFTER THE HOLIDAYS.

B. INTERNATIONAL MAIL PROBLEMS

PRACTICALLY NONE - ALTHOUGH TURKISH AND INTERNAL MAIL REGULATIONS REQUIRE ADDITIONAL POSTAGE FOR FORWARDING TOURIST MAIL TO A THIRD COUNTRY, WE EXPERIENCE NO DIFFICULTY IN FORWARDING MAIL TO THE ADDRESSEE - UPON HIS REQUEST - IN ANOTHER COUNTRY TO WHICH HE IS DESTINED.

TURKISH POSTAL SERVICE PROVIDE "POSTE RESTANCE" SERVICE FOR TRAVELING TOURISTS.

C. CONSULAR ACCESS IN CASES OF ARREST

BOTH US AND TURKEY ARE SIGNATORIES TO THE VIENNA CONSULAR CONVENTION, WHICH REQUIRES IMMEDIATE NOTIFICATION OF AN ARREST BY OFFICIALS OF THE HOST GOVERNMENT. IN MAJOR CITIES, UNCLASSIFIED

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WHERE US CONSULATES ARE LOCATED TURKISH OFFICIALS GENERALLY NOTIFY CONSULS IN A TIMELY MANNER AND REQUEST INTERPRETER/ TRANSLATOR ASSISTANCE. THIS IS NOT THE CASE, HOWEVER, IN REMOTE OR PROVINCIAL AREAS OF TURKEY. IN EVERY CASE, AMERICAN CITIZENS ARE ALLOWED TO GET IN TOUCH WITH THEIR CONSULATES. IN SOME CASES, IN OUTLYING PROVINCES, THE EMBASSY HAS BEEN PUT ON THE DISTRIBUTION LIST OF A NOTIFICATION OF ARREST PREPARED BY THE GOVERNOR'S OFFICE. THIS WRITTEN NOTIFICATION HAS SOMETIMES BEEN RECEIVED AT THE EMBASSY WEEKS AFTER THE ARREST. SPIERS

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